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NOT ADMITTED IN CALIFORNIA

OUR FILE NO.

NEOME-019A2US

**FACSIMILE COVER SHEET**

Date: August 2, 2006

To: Commissioner for Patents  
Alexandria, VA 22313-1450

Facsimile: 571-273-8300

Re: U.S. Patent Application No. 10/560,266  
Int. Patent Application No. PCT/US04/18483  
Inventor(s): Mittelstein et al.  
"Devices and Methods Useable for Treatment of Glaucoma and Other  
Surgical Problems"

From: Robert D. Buyan

Total No. of Pages: 14 (including this form). Please notify us immediately if you have not  
received all pages.

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**Attached:** Response to Notification of Missing Requirements (2 pgs.)  
Copy of Notification of Missing Requirements (2 pgs.)  
Declaration of Inventorship and Limited Power of Attorney (2 pgs.)  
Statement of Ownership (37 CFR 3.73(b)) and Power of Attorney by  
Assignee (1 pg.)  
Copy of recorded Assignment (6 pgs.)

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AUG 02 2006

Atty. Docket No.: NEOME-019A2US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Mittelstein et al.

U.S. App. No.: 10/560,266

Int. App. No.: PCT/US04/18483

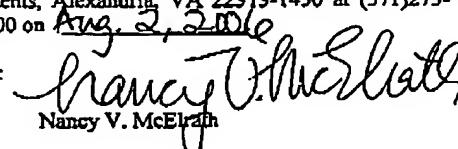
For: Devices and Methods Useable for  
Treatment of Glaucoma and Other  
Surgical Procedures

Art Unit: Unassigned

Examiner: Unassigned

**CERTIFICATE OF  
FACSIMILE TRANSMISSION**I hereby certify that this document is being  
transmitted by facsimile to the Commissioner for  
Patents, Alexandria, VA 22313-1450 at (571)273-  
8300 on Aug. 2, 2006

By:

  
Nancy V. McElrath**Response to Notification of Missing Requirements  
Transmittal Letter**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notification of Missing Requirements under 35 U.S.C. 371 in the  
United States Designated/Elected Office (DO/EO/US) mailed May 2, 2006:

- ☒ Enclosed is a copy of the Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (2 pgs.).
- ☒ Enclosed is a Declaration of Inventorship and Limited Power of Attorney (2 pgs.).
- ☒ Enclosed is a Statement of Ownership (37 CFR 3.73(b)) and Power of Attorney by Assignee (1 pg.).
- ☒ Enclosed is a copy of the recorded Assignment (6 pgs.).
- ☒ Applicant hereby claims small entity status.

Atty. Docket No.: NEOME-019A2US

- ⊗ Applicant hereby petitions for a one-month extension of time to respond to the Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US).
- ⊗ The Commissioner is hereby authorized to charge the one-month extension fee (\$60) and the surcharge (\$65) and any underpayment or credit any overpayment of the filing fees required under 37 CFR §1.16 and any patent application processing fees required under 37 CFR 1.17 to Deposit Account No.50-0878.

Respectfully submitted,

STOUT, UXA, BUYAN & MULLINS, LLP

Date:

August 1, 2006



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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/560,265	Michael Mittelstein	NEOME-019A2US

INTERNATIONAL APPLICATION NO.
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PCT/US04/18482

IA FILING DATE	PRIORITY DATE
06/10/2004	06/10/2003

Robert D Buyan  
Stout Uxa Buyan & Mullins  
4 Venture  
Suite 300  
Irvine, CA 92618

5/15/06  
29/

CONFIRMATION NO. 3349

371 FORMALITIES LETTER



\*0000000018652026\*

Date Mailed: 05/02/2006

Response Due 7/2/06

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 12/09/2005
- Copy of the International Search Report filed on 12/09/2005
- Copy of IPE Report filed on 12/09/2005
- U.S. Basic National Fees filed on 12/09/2005
- Priority Documents filed on 12/09/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and International filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

- \$65 Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

FREDERICK SMITH

Telephone: (703) 308-9140 EXT 210

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/560,265	PCT/US04/18482	NEOME-019A2US

FORM PCT/DO/EO/905 (371 Formalities Notice)